

Entered - 7-17-01- sb
CL - 01L0454 ALEXIS HOLMES

01- R -1613

CLAIM OF: **GLORIA TERRELL AS MOTHER AND
GUARDIAN OF CARMEN TERRELL**
Through her attorney
Ralph E. Hughes
Suite 720 Commerce Plaza
755 Commerce Drive
Decatur, Georgia 30030

For bodily injuries alleged to have been sustained as a result of a
vehicular accident on April 28, 2001 at Martin Luther King, Jr. Drive
and Harlan Road SW.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Rob N. C. J. DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0454

Date: 9/24/01

Claimant /Victim GLORIA TERRELL AS MOTHER AND GUARDIAN OF CARMEN TERRELL
BY: (Atty)(Ins.) Ralph E. Hughes
Address: Suite 720 Commerce Plaza 755 Commerce Drive, Decatur, Georgia 30030
Subrogation: Claim for Property damage \$ Bodily Injury \$ Undetermined
Date of Notice: 7/18/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 4/28/01 Place: Martin Luther King, Jr. Drive at Harland Road SW
Department Police Division: FOD
Employee involved Officer Fred Wesley Scott Disciplinary Action: Cleared by arrest

NATURE OF CLAIM: The claimant's guardian alleges that the claimant sustained extensive injuries when her vehicle was struck by a City vehicle driven by a police officer in the process of responding to an emergency call and operating blue light and siren. In an investigation by the City's Hit and Run Unit, it was determined that the City driver was not in violation of any traffic offenses or City policies and/or procedures. Also, the claimant was found in violation of a traffic offense when she failed to yield to an emergency vehicle. Furthermore, the City is immune from liability as set forth under O.C.G.A. § 36-33-1 and § 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Other X Written X Oral
Pictures X Diagrams X Reports: Police X Dept Report X Other X
Traffic citations issued: City Driver Claimant Driver X
Citation disposition: City Driver Claimant Driver Pending

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial Other X Damages reasonable City not involved
Improper Notice More than Six Months Other X Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 09-25-01
Committee Action: Council Action

Diane

RALPH E. HUGHES
ATTORNEY AT LAW

Holmes
07/17/01
DM
SUITE 720 COMMERCE PLAZA
755 COMMERCE DRIVE
DECATUR, GEORGIA 30030
TEL. (404) 373-3458
FAX. (404) 373-4485
E-MAIL: REHUGHESLAW@AOL.COM

July 13, 2001

ENTERED - 7-17-01 - SB
0110454 - ALEXIS HOLMES

The Atlanta City Council
300 City Hall
55 Trinity Avenue, S.W.
Atlanta, GA 30335

Bill Campbell, Mayor
City of Atlanta
55 Trinity Avenue, S.W.
Suite 2400
Atlanta, GA 30335

City of Atlanta
Department of Law
Att'n: Susan Pease Langford, City Attorney
68 Mitchell Street
Suite 4100
Atlanta, GA 30303

Re: Ante Litem Notice
Gloria Terrell, as Mother and Guardian of Carmen Terrell,
An Incapacitated Adult, Carmen Terrell, Mr. & Mrs. Johnson,
Parents and Guardians of Trelanie Johnson, and Trelanie Johnson
v. The City of Atlanta and Fred Wesley Scott

TO WHOM IT MAY CONCERN:

Pursuant to O.C.G.A. §36-33-5, the above individuals hereby serve their Ante Litem Notice to the City of Atlanta.

On the 28th day of April, 2001, at approximately 11:40 p.m., Carmen Terrell and Trelanie Johnson were riding down Martin Luther King, Jr. Drive near its intersection with Harlan Road, when a City of Atlanta Police Department vehicle driven by Police Officer Fred Wesley Scott crossed the center line and crashed head-on into the Terrell vehicle.

Ante Litem Notice

July 13, 2001


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As a result thereof, Carmen Terrell suffered serious, life threatening and permanent injuries which caused her to be hospitalized at Grady Memorial Hospital and where she remains to this day in critical condition. It is believed her medical expenses presently exceed \$250,000.00. Trelanie Johnson was also badly injured and has incurred medical expenses to date which are believed to exceed \$10,000.00.

The City of Atlanta and its employee, Fred Wesley Scott, were negligent in failing to exercise ordinary care and diligence in the use of its automobile while operating the same on the public roads of Fulton County inside the City of Atlanta, Georgia.

You are hereby notified of the parties' intention to file a claim and lawsuit against the City of Atlanta alleging the aforementioned theory of liability and seeking recovery for the aforementioned damages. Should you have any questions regarding this claim, please feel free to contact me at your convenience.

Respectfully yours,



Ralph E. Hughes
Attorney at Law

Certified Mail

Return Receipt Requested

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